

EXHIBIT 8

May 15, 2025 Meet and Confer Conference Transcript

Shawn Padilla

v.

MGM Grand Hotel, LLC, et al.

**Transcript of
Meet and Confer
Volume I
May 15, 2025**



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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3
4 SHAWN PADILLA, an)
individual,)
5)
Plaintiff,)
6)
vs.) CASE NO.:
7) 2:22-cv-02109-RFB-BNW
MGM GRAND HOTEL, LLC, a)
8 Nevada entity; ANDREW)
STEVENSON, an individual)
9 (Doe 1); KEVIN ADAMS, an)
individual (Doe 2); JERIMIAH)
10 TIPTON (Doe 3); DOES IV)
through X, and ROES I)
11 through X,)
)
12 Defendants.)
)
13 _____)
14
15 VIDEOCONFERENCE MEET AND CONFER OF COUNSEL
16
17 Taken remotely
18 on Thursday, May 15, 2025,
19 by a Certified Court Reporter
20 at 9:02 a.m.
21
22
23
24 Reported by: Trina K. Sanchez, CCR No. 933, RPR
25 Job No.: 60873, Firm No.: 116F

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<p>2</p> <p>1 REMOTE APPEARANCES: 2 For the Plaintiff: 3 4 STEPHEN G. CLOUGH, ESQ. 5 MAIER GUTIERREZ & ASSOCIATES 6 8816 Spanish Ridge Avenue 7 Las Vegas, Nevada 89148 8 (702)935-2656 9 sgc@mgalaw.com 10 11 For the Defendants: 12 13 LAWRENCE J. SEMENZA, III, ESQ. 14 KATIE CANNATA, ESQ. 15 SEMENZA RICKARD LAW 16 10161 Park Run Drive 17 Suite 150 18 Las Vegas, Nevada 89145 19 (702)835-6803 20 ljs@semenzarickard.com 21 22 NONA M.L. LAWRENCE, ESQ. 23 Deputy Attorney General/Gaming Division 24 State of Nevada 25 Office of the Attorney General 26 1 State of Nevada Way 27 Suite 100 28 Las Vegas, Nevada 89119 29 (702)486-3420 30 nlawrence@ag.nv.gov 31 32 MICHAEL P. SOMPS, ESQ. 33 State of Nevada 34 Office of the Attorney General 35 5420 Kietzke Lane 36 Suite 202 37 Reno, Nevada 89511 38 (775)688-1818 39 msomps@ag.nv.gov</p>	<p>4</p> <p>1 obviously, with the substance relating to his email. 2 I think there are significant issues and concerns 3 that I still have relating to the issuance of the 4 subpoena to the Gaming Control Board without 5 including us. Those issues will be obviously 6 addressed at a later date and time. And it is not 7 specifically at issue for purposes of today's meet 8 and confer. 9 Having said that, and moving on, I do want 10 to, before we get into sort of the deposition 11 issues, talk a little bit about the subpoena to the 12 CEO of MGM, Mr. Hornbuckle. And I just want to make 13 sure that the record is clear relating to what has 14 taken place on that front. 15 I believe Ms. Cannata had sent an email on 16 May 2nd, identifying that, you know, we wanted to 17 see a copy of the subpoena and that we may be able 18 to go ahead and accept service of that subpoena on 19 Mr. Hornbuckle's behalf. 20 We had a conference call that was 21 transcribed, a meet and confer conference last 22 Friday morning, during which Mr. Nahabedian 23 represented incorrectly that Mr. Hornbuckle had been 24 served with that subpoena. And he made repeated 25 references and representations that that subpoena</p>
<p>3</p> <p>1 ALL PARTIES APPEARING REMOTELY; 2 THURSDAY, MAY 15, 2025; 3 9:02 A.M. 4 -O0O- 5 6 MADAM REPORTER: We're on the record. 7 MR. SEMENZA: This is L.J. Semenza. Our 8 firm is the one that coordinated the reporting for 9 the continued meet and confer conference here today. 10 I appreciate everyone getting together this morning. 11 I am sorry that Mr. Nahabedian is dealing 12 with a family issue, and we obviously wish him the 13 best, notwithstanding the contentiousness of this 14 litigation. And, again, there are certain things 15 that are certainly more important than discovery 16 issues that we're here about today. So our thoughts 17 are with him. 18 Kind of moving on, I just wanted to -- 19 and, Stephen, I wanted to make sure you could put 20 anything you want on the record today relating to 21 our meet and confer conference. My intention is 22 obviously to do the same. So anyway, let me get 23 started unless anyone has any issues or questions. 24 I am in receipt of Mr. Nahabedian's email. 25 I believe it was sent last evening. I don't agree,</p>	<p>5</p> <p>1 had been served, which it had not been served. 2 We, during that call, had represented -- 3 prior to Mr. Nahabedian's representations that the 4 subpoena had been served, we mentioned that we would 5 be willing to accept service of that subpoena. 6 After we got off the meet and confer conference, we 7 contacted our client. Our client indicated that 8 there had been no such service to their knowledge. 9 And we, by email, informed opposing counsel of that 10 fact and reiterated our position that we would 11 accept service and to stop any and all attempts to 12 serve Mr. Hornbuckle with that subpoena. 13 No one responded to our email. It is my 14 understanding that there were service attempts made 15 to serve the subpoena at Mr. Hornbuckle's residence 16 on Friday evening, Saturday, and Sunday. That on 17 Monday, I was informed that the attempts had been 18 made, and I reached out to Stephen and Legal Wings 19 immediately to suspend service. And we ultimately 20 accepted service. 21 Obviously, the time relating to any 22 objections to that subpoena have not run, and it is 23 our intention, obviously, to object to the subpoena 24 that has been issued to Mr. Hornbuckle. 25 I am deeply concerned that, one,</p>

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<p>6</p> <p>1 Mr. Nahabedian's representations during our meet and 2 confer conference on Friday were false. I am deeply 3 concerned that the continued attempts to serve 4 Mr. Hornbuckle, notwithstanding our representations 5 that we would accept service, were meant solely and 6 exclusively to harass Mr. Hornbuckle and improperly 7 gain some sort of leverage in this case relating to 8 attempting to depose him. 9 And so I wanted to make that clear on the 10 record before we moved on to the other topics that 11 we're here to talk about today. And as part of 12 raising the issues concerning Mr. Hornbuckle's 13 subpoena, we will obviously be taking that issue to 14 the Court and to seek some judicial intervention as 15 it relates to what took place and what happened. 16 So with that, I don't know if relating to 17 what I've already gone over, Steve, if you want to 18 comment or make some sort of statement or 19 representations on the record relating to that. 20 Otherwise, we can kind of move on and talk about the 21 depositions. 22 MR. CLOUGH: Just some quick 23 representations. At the last meet and confer, we 24 were discussing Mr. Hornbuckle and service of the 25 subpoena notice of deposition. I believe we said it</p>	<p>8</p> <p>1 to depose Mr. Hornbuckle. I'm not going to repeat 2 those here, but that's how it -- that's all I really 3 wanted to add to that, and I just want to move on to 4 get to -- see if we can get the rest of this -- 5 these issues we have going on as far as depositions 6 and 30(b)(6) witnesses going. 7 But thank you for the time, L.J. I 8 appreciate it. 9 MR. SEMENZA: Yeah. And I'd just like to 10 just briefly respond very quickly to that. And I 11 appreciate your comments, Stephen. 12 You know, Mr. Nahabedian has repeatedly 13 referenced -- and I'm thinking of one particular 14 example where he, I believe -- and I'm not 15 100 percent sure it was before -- immediately before 16 Mr. Tipton's deposition, that Mr. Nahabedian had 17 represented to me that this was his case, that -- 18 and I obviously disagree with his statement, but 19 that, Mr. Clough, you worked for him, which 20 obviously is not the case. 21 So I think that my concern relating to the 22 Gaming Control Board subpoena and relating to the 23 issues of service of the subpoena relating to 24 Mr. Hornbuckle is our communications have obviously 25 not only been with Maier Gutierrez, and you</p>
<p>7</p> <p>1 was out for service, and we believed it had been 2 served. I don't think we ever made an actual 3 representation that it had been served, but we had 4 believed it was served because we had sent it over 5 to Legal Wings to send out. 6 Apparently, there was continued attempts 7 to serve the subpoena over the -- over that weekend, 8 despite the fact that you had sent -- L.J. or Katie, 9 I forget which one, but one of you had sent an email 10 saying, Hey, we'll accept service. 11 Due to my calendar after that meet and 12 confer and the following day, as well as 13 Mr. Nahabedian's family issues, we did not see that 14 email in a timely manner to let Legal Wings know not 15 to continue service. 16 Upon getting an email from Legal Wings 17 saying that, Hey, L.J., Mr. Semenza, had said, Hey, 18 I'll accept service. Is that what you want us to 19 do? We immediately responded, Yes. Here's the 20 acceptance of service. Send it over to L.J. and 21 stop all service attempts. 22 That's kind of how the timeline went. You 23 know, it was not for any -- trying to gain any 24 advantage in the case. Mr. Nahabedian expressed at 25 the last meet and confer his reasoning for wanting</p>	<p>9</p> <p>1 specifically, but also with Mr. Nahabedian. And so 2 I don't think he can disaffirm his responsibilities 3 in this case and his conduct in this case, nor do I 4 expect that he would say otherwise. So that's the 5 only thing I wanted to add on that front. 6 MR. CLOUGH: Yep. I wouldn't say I work 7 for Mr. Nahabedian. My law firm is more like a 8 second chair. He is in command of what happens in 9 this litigation. We obviously have our input into 10 the litigation. 11 And, again, since you brought it up, L.J., 12 I just need to mention it. The subpoena to the 13 Nevada Gaming Control Board, that was completely my 14 error in not realizing that neither you, 15 Mr. Semenza, or Ms. Cannata was on that email. That 16 was my oversight, and I corrected it as soon as we 17 had the telephone conference with somebody over at 18 the AG's office regarding that subpoena. 19 MR. SEMENZA: And I appreciate that. And, 20 again, my position remains the same, that 21 Mr. Nahabedian is counsel of record in this case, 22 and there's been things that have deeply concerned 23 me. So regardless of whether it was sort of your 24 oversight, he is an additional set of eyes and in 25 control of this case and either should have or did</p>

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<p>10</p> <p>1 I know that, essentially, the subpoena had not been 2 served on us. So I appreciate that. I understand 3 your position. 4 MR. CLOUGH: As I understand yours. Thank 5 you, Mr. Semenza. 6 MR. SEMENZA: Okay. 7 So we have a lot of depositions that 8 everyone wants to take in this case, and we have a 9 June 5th discovery deadline. And I don't have dates 10 yet from, Stephen, your office to depose the fact 11 witnesses. 12 It is my belief, and I don't think 13 anyone's said otherwise, that the 30(b)(6) 14 depositions would take place after the fact 15 witnesses' depositions are conducted. So I don't 16 know how we get those accomplished within the time 17 frame that we are obligated to get them completed in 18 at this point in time, being June 5th. 19 So I throw that out there in the sense 20 that I think we have to have a discussion about what 21 to do next given the deadlines. We will have to 22 take time to prepare our witnesses for their 23 depositions, and we don't know, frankly, at this 24 point in time what their availability is or could be 25 before June 5th. So we've got to confront that</p>	<p>12</p> <p>1 One of those issues is going to have to be the 2 number of depositions given what has taken place and 3 what has transpired. So I throw that out there as 4 well. 5 Katie and I had an opportunity to go 6 through and look at the 30(b)(6) notice again and to 7 review our previous objections to that 30(b)(6) 8 notice. I anticipate -- and this is not set in 9 stone, but I'm trying to give you as much 10 information as I can ultimately relating to where 11 we're at, is that there will probably be three 12 30(b)(6) witnesses, separate witnesses, which would 13 all be encompassed within a single 30(b)(6) 14 deposition. So I'm not challenging that that would 15 constitute one deposition. 16 But we're going to have to get someone 17 from surveillance. We're going to have to get 18 someone from security, and we're going to have to 19 get someone relating to table games and the system 20 by which all the player tracking is done. 21 We do not anticipate, as I mentioned 22 before, although, I was, I think, a little bit more 23 equivocal on the issue, that given that some of 24 these employees have left, they've moved to 25 different resorts, that the fact witnesses that were</p>
<p>11</p> <p>1 specific issue, I think, as far as discovery is 2 concerned. 3 As far as the fact witnesses are concerned 4 and the number of depositions that you all want to 5 take on the plaintiff's side, there have been 6 discussions about going over the ten deposition 7 limit. There have been discussions about limiting 8 the time frame for those depositions. And I think 9 that given what we perceive to be simply a harassing 10 attempt to depose Mr. Hornbuckle, I think that 11 practically speaking, if you all want to take more 12 than ten depositions in this case, you're going to 13 have to go and seek an order from the Court. 14 So I wanted to throw that out there in the 15 context of how do we accomplish all of these fact 16 witnesses, these depositions going forward, and kind 17 of put that on the record that, Look, we don't see 18 any reason why Mr. Hornbuckle should have been -- 19 should be deposed. He doesn't have any percipient 20 knowledge in this case. And we've thrown on the 21 record our respective positions, which we're not 22 obviously going to agree to. 23 So I wanted to make that clear that I 24 think that as part of whatever motion practice, 25 everyone is going to have to endeavor and begin.</p>	<p>13</p> <p>1 previously identified will probably not be serving 2 as 30(b)(6) designees relating to the topics. 3 And so as part of our discussions today, 4 depending on the scheduling and where we kind of go 5 with things, we can whittle down, and I can get a 6 little bit more definitive with my client at the end 7 of the day relating to the scope of the topics and 8 kind of go from there. So that's kind of where 9 we're at on that front. 10 I think, you know, Mr. Nahabedian had 11 mentioned, and I take issue with his assertions that 12 we were unprepared to move forward with the 13 discussion relating to the 30(b)(6) topics. And I 14 think -- and Katie reminded me as far as where we 15 left off before our last Friday conference call. 16 And I think back in March, if I'm not 17 mistaken, before Agent Tipton's deposition or right 18 around the time of Agent Tipton's deposition, we had 19 gotten together for a meet and confer conference, 20 and we had started to walk through the objections 21 that we had on a very, very broad basis. 22 That conversation and discussion then 23 shifted to whether we could mediate the case and 24 whether there would be a stay of the proceedings in 25 the context of a mediation. And so we never</p>

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<p style="text-align: right;">14</p> <p>1 completed that sort of discussion, and we never got 2 into sort of the nitty gritty and detail of that 3 discussion. 4 So that kind of brings us to today. I 5 think -- I don't want to waste anyone's time here at 6 the moment, but I would like to understand the AG's 7 position and, Stephen, your position relating to how 8 we -- whether we can or how we could complete 9 discovery within the deadline or whether everyone is 10 on board with extending out deadlines and for how 11 long. And then we can kind of bring the 12 conversation back into, depending on where we go 13 with that, what do we do about the 30(b)(6) topics 14 and where do we go. 15 Does that make sense? 16 MR. CLOUGH: This is Steve Clough. Yeah, 17 that all made sense. I agree with you, what 18 happened on our last 30(b)(6) topic discussion, we 19 kind of faded off into the mediation discussion, and 20 then into the stay, and we didn't move forward with 21 any of this. 22 I do have a tentative list. I've been 23 working with Mr. Nahabedian the best I could over 24 the last week or so figuring out days that we're 25 available. Obviously, somebody had mentioned -- I</p>	<p style="text-align: right;">16</p> <p>1 to even pose a date for that. But I do have some 2 dates that both Mr. Nahabedian and I are available. 3 And, hopefully, you guys will be available as well. 4 I did have to move a few things around on 5 my calendar, as well as Mr. Nahabedian had to move a 6 bunch of stuff on his calendar to accommodate these 7 dates. And when I say "these dates," it's because 8 of the deposition days that you told me that the -- 9 your client, your employees, these deponents were 10 available. 11 Many of them were only available on a 12 Monday. One is a Tuesday and Wednesday. One is 13 Monday through Friday. That's great. But then 14 it's, like, Monday, Monday, Monday, Monday. That's 15 the only days they're available. So Monday was 16 tough, especially considering we have Memorial Day, 17 which is a Monday that's coming up. So it made 18 Mondays really, really difficult. 19 But I have a proposed email -- 20 MR. SEMENZA: Can you -- 21 MR. CLOUGH: Go ahead. 22 MR. SEMENZA: Can you email those to 23 everyone right now and then we can pull it up and 24 take a look? 25 MR. CLOUGH: Absolutely. You can see how</p>
<p style="text-align: right;">15</p> <p>1 think it was Nona -- that I do shared calendar. I 2 had a discussion with my staff, and nobody knows how 3 to do a shared calendar here in the office, so I was 4 unable to do that. So the best I can do is just 5 this email thing that we've been doing all along and 6 trying to do dates and everything. I can even share 7 my screen with the dates that I have up. But I 8 tried to cram them all in between now and June 5th, 9 which I think is our deadline for discovery. 10 Many of them are going to be, like, two or 11 three or four of them a day. Obviously, that is -- 12 I don't have any problem moving discovery out or 13 stipulating between us to take a couple of the 14 depositions after the deadline, however that's going 15 to work. I believe these depositions are necessary. 16 The only thing we need to figure out -- 17 the only thing I didn't put in was the 30(b)(6) 18 deposition date because I didn't know how many 19 people there were going to be, which topics were 20 going to be discussed by each individual person, 21 could we have all three people in the room at the 22 same time and just, you know, go through all -- you 23 know, go right down the line during the deposition. 24 I just didn't know how to -- logistically, how that 25 was going to work for the 30(b)(6), so I didn't want</p>	<p style="text-align: right;">17</p> <p>1 tech savvy I am here, so hold on. Let's see. L.J., 2 Katie, Nona. 3 MR. SEMENZA: And, Stephen, as you're 4 doing that, I have a couple of concerns in that 5 regard. One is we do have an intervening holiday, 6 which is Memorial Day. Mr. Nahabedian's got a 7 family issue. I have a family issue as well that I 8 don't know what's going to happen with. And so, 9 obviously, given the late date and time, I'm not 10 sure whether we'll be able to get all of this 11 accomplished. 12 And I do -- the other thing I will note is 13 that, I mean, there is going to be motion practice 14 relating to, I would anticipate, the 30(b)(6) 15 depositions. There's going to be motion practice 16 relating to Mr. Hornbuckle. There's going to be 17 motion practice relating to the Gaming Control Board 18 reports, and I'm assuming employment files as well. 19 So that's something that we need to kind of walk 20 through. 21 All right, Steve, I just received it. I'm 22 going to print that now. 23 MR. CLOUGH: Just to touch on what you 24 just said as far as Mr. Hornbuckle, the 30(b)(6), 25 and the employment files, I'm ready to discuss that</p>

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<p>18</p> <p>1 today. Hopefully, we can settle it without motion 2 practice. 3 MR. SEMENZA: You are ready or aren't? 4 MR. CLOUGH: Are ready. 5 MR. SEMENZA: Okay. Got it. 6 MR. CLOUGH: So I'm hoping to get 7 everything settled today. What we can't get 8 settled, motion practice. 9 MR. SEMENZA: Right. Okay. 10 MR. SOMPS: This is Mike Soms from the 11 AG's office. And I'll just jump in as far as the 12 gaming agents go and the discovery that we're 13 looking to do. As we mentioned before, I think at 14 this point, the 30(b)(6) witness that we would be 15 interested in from MGM would be someone to testify 16 in regards to the player tracking system. I don't 17 think that we're interested in any other type of 18 30(b)(6) witness. 19 As I've discussed with you, L.J., I think 20 that maybe we can accomplish the authentication of 21 the videos through some written discovery, and we'll 22 be preparing that and sending that off. 23 So I think, Nona, if you have anything 24 else to add, I think that that's what we're looking 25 for. If there is some interest by MGM and Plaintiff</p>	<p>20</p> <p>1 not. That's kind of where we're at. What we're 2 working off right now are the painstakingly 3 difficult tasks that Katie and L.J. took to find 4 these people and to be able to get in contact with 5 them and get times and dates -- times in which they 6 were available. So Pittet just happened to fall off 7 the list at the moment. 8 MR. SEMENZA: Okay. I'm just looking at 9 my calendar briefly to see what I've got going on. 10 MR. CLOUGH: Just to kind of jump in. 11 MR. SEMENZA: Yeah. 12 MR. CLOUGH: I can be -- I can be 13 available from Wednesday of this week all the way to 14 June 5th. I have people in my office that could 15 cover things that I'm doing. So I can make myself 16 available for any time and day regardless of Raffi 17 Nahabedian's schedule, so I can take these 18 depositions. So if any of these dates don't work, 19 I'm glad to move them. This was just a starting 20 point so that we could discuss. 21 MR. SEMENZA: Okay. I am going to have to 22 look at my -- I mean, I'm going to have to look at 23 my calendar and that to see if any of those or all 24 of these are possible. It's going to take me a 25 little bit of time. So what I'm going to do is I'll</p>
<p>19</p> <p>1 to extend some dates, I don't think that we're going 2 to have any objection. But, otherwise, that's 3 everything I wanted to mention. 4 MR. SEMENZA: Okay. I appreciate it. 5 Let me grab this off the printer. 6 MR. CLOUGH: Are we off the record? 7 MADAM REPORTER: I can take us off the 8 record. 9 MR. SEMENZA: You can take us off the 10 record, Stephen. 11 (A short break was taken.) 12 MR. SEMENZA: All right. So, Stephen, if 13 you're ready to talk about -- well, maybe I 14 misunderstood -- 15 MS. LAWRENCE: Can I jump in real quick? 16 MR. SEMENZA: Go ahead. 17 MS. LAWRENCE: Steve, are you not 18 interested in deposing Chris Pittet anymore? He's 19 not on your list. 20 MR. CLOUGH: Chris Pittet was somebody 21 that -- it's my understanding that Mr. Semenza and 22 Katie could not contact, didn't work there anymore. 23 MS. LAWRENCE: Okay. 24 MR. CLOUGH: So it's one of those things 25 where, you know, where we can either subpoena him or</p>	<p>21</p> <p>1 take a look and then see if any of these are 2 workable with the understanding that we're going to 3 have to prepare these witnesses, which is going to 4 take, obviously, an extended amount of time as well. 5 MR. CLOUGH: If I may, L.J.? 6 MR. SEMENZA: Yeah. 7 MR. CLOUGH: Just real quick. After 8 speaking with Mr. Nahabedian about these 9 depositions, we do not believe any of these 10 depositions will take more than two, two and a half 11 hours for each one of them. The only reason I say 12 "two and a half" is because, you know, we have to do 13 the background stuff, where do you work, how long 14 have you worked there. Then it's just going to be 15 maybe an hour or hour and a half with the 16 questioning. So none of them are going to be that 17 long. 18 And if my math is correct, with these 19 depositions that we have here, and the depositions 20 we had prior, this only makes 11 depositions that 21 would be taken in this case. It wouldn't be 12. 22 That's assuming Mr. Hornbuckle does not get deposed. 23 MR. SEMENZA: Okay. So let's back up a 24 little bit. So what are you guys doing with 25 Mr. Hornbuckle? What is your position relating to</p>

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<p>22</p> <p>1 him?</p> <p>2 MR. CLOUGH: First of all, let me start</p> <p>3 with you signed the acceptance of service. And I</p> <p>4 just want to make sure that Mr. Hornbuckle has got a</p> <p>5 copy of the notice of deposition and the subpoena of</p> <p>6 the --</p> <p>7 MR. SEMENZA: I honestly don't know</p> <p>8 whether he has, but I have been authorized by my</p> <p>9 client to accept service. And it's my understanding</p> <p>10 that this has gone all the way up the chain. So I</p> <p>11 have not personally spoken with Mr. Hornbuckle, but</p> <p>12 I understand that he's aware.</p> <p>13 MR. CLOUGH: All right. So I'm just</p> <p>14 taking some notes here. All right. As</p> <p>15 Mr. Nahabedian stated at the last meet and confer,</p> <p>16 his reasoning behind wanting to depose</p> <p>17 Mr. Hornbuckle was, one, he worked for MGM; two,</p> <p>18 he's on the board; and, three, one of the documents</p> <p>19 you had provided in discovery said that the board</p> <p>20 oversaw the surveillance team. That was the</p> <p>21 reasoning behind Mr. Hornbuckle.</p> <p>22 I shortened Raffi's dissertation regarding</p> <p>23 the reasoning for wanting Mr. Hornbuckle just for</p> <p>24 ease of today's meeting. But after speaking with</p> <p>25 Mr. Nahabedian, if there is somebody that could be a</p>	<p>24</p> <p>1 having a 30(b)(6) testify to these issues because I</p> <p>2 think the board is not -- well, there's reference</p> <p>3 that I think Raffi had indicated where the board of</p> <p>4 directors are reported to by the -- or the security</p> <p>5 department reports to the board of directors. I</p> <p>6 don't think that that's practically what takes</p> <p>7 place. I don't think the board of directors have or</p> <p>8 get any information relating to what takes place in</p> <p>9 the security -- or surveillance department, rather.</p> <p>10 And I'm sure that the board of directors has no</p> <p>11 information and no knowledge relating to the</p> <p>12 specifics of this particular case.</p> <p>13 But having you make that representation, I</p> <p>14 can take that back to the client and determine what</p> <p>15 they want to do in that regard. One thing -- I</p> <p>16 guess the question is: If we are not amenable to</p> <p>17 producing a 30(b)(6) witness relating to the topics</p> <p>18 that are set forth in Mr. Hornbuckle's subpoena, are</p> <p>19 you still willing to withdraw Mr. Hornbuckle's</p> <p>20 subpoena and then we have, essentially, that fight</p> <p>21 on the 30(b)(6) issue, or is it your intention that</p> <p>22 if we don't agree to produce a 30(b)(6), that</p> <p>23 Hornbuckle -- obviously, that subpoena remains in</p> <p>24 effect?</p> <p>25 MR. CLOUGH: Well, let me start off by</p>
<p>23</p> <p>1 30(b)(6) witness that could testify to what we</p> <p>2 believe is the control that the board has over the</p> <p>3 surveillance department, I believe that</p> <p>4 Mr. Hornbuckle's deposition does not have to be</p> <p>5 taken. Or I should say -- I shouldn't say "I." We,</p> <p>6 meaning Mr. Nahabedian and I.</p> <p>7 MR. SEMENZA: Okay. So I don't want to</p> <p>8 mischaracterize what you're saying. So your</p> <p>9 position is if there is a 30(b)(6) witness that will</p> <p>10 be provided to testify relating to the topics</p> <p>11 identified in Mr. Hornbuckle's subpoena, that</p> <p>12 Mr. Hornbuckle will not be -- that he would withdraw</p> <p>13 the subpoena in that regard?</p> <p>14 MR. CLOUGH: Yes.</p> <p>15 MR. SEMENZA: Okay. I just want to make</p> <p>16 sure. Okay.</p> <p>17 MR. CLOUGH: And I just needed to process</p> <p>18 what you said to make sure that we're both on the</p> <p>19 same page.</p> <p>20 MR. SEMENZA: As I sit here today, I can't</p> <p>21 obviously agree to that necessarily. I have to take</p> <p>22 that back to the client. I think, obviously, that</p> <p>23 Mr. Hornbuckle individually is not an appropriate</p> <p>24 individual to be deposed.</p> <p>25 I know that we will have objections to</p>	<p>25</p> <p>1 saying this: In the disclosure MGM00043, it says,</p> <p>2 "Establishment, maintenance, and use of a</p> <p>3 surveillance department photo subject file. Under</p> <p>4 the authority and direction of MGM Mirage Board of</p> <p>5 Directors, there shall be established and maintained</p> <p>6 within the monitoring of the surveillance</p> <p>7 department, a ready reference photo file using a</p> <p>8 corporate computer database named iTrack."</p> <p>9 That is one of the reasons. There's a</p> <p>10 couple of other references to the board that we</p> <p>11 believe the board of directors is in charge of all</p> <p>12 that stuff. If you're telling me there's a</p> <p>13 different person that would be a 30(b)(6) witness to</p> <p>14 testify to things like this, I have no problem</p> <p>15 vacating Mr. Hornbuckle's deposition, but I need</p> <p>16 somebody to testify to.</p> <p>17 MR. SEMENZA: So -- and I get what you're</p> <p>18 saying. So I guess just to boil it down, I need to</p> <p>19 know whether you're independently withdrawing the</p> <p>20 Hornbuckle subpoena, and then we will have a</p> <p>21 discussion about the 30(b)(6) relating to this</p> <p>22 topic, which we may very well object to, in all</p> <p>23 candor to you. Or it's a -- it's an either, L.J.,</p> <p>24 you agree to produce a 30(b)(6) on this issue or we</p> <p>25 won't withdraw the subpoena to Mr. Hornbuckle.</p>

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<p style="text-align: right;">26</p> <p>1 That's kind of what I need to know. And maybe you 2 can't answer that question, as you sit here, because 3 obviously, I have to talk to my client as well, 4 but...</p> <p>5 MR. CLOUGH: You are correct. I am not in 6 a position to answer that question --</p> <p>7 MR. SEMENZA: Okay.</p> <p>8 MR. CLOUGH: -- without Mr. Nahabedian's 9 decision. I can try to text him right now and see 10 if he would agree to that. But that -- you know, I 11 cannot say yes, we are going to independently 12 withdraw it, and then fight to try to get the 13 deposition that we're seeking.</p> <p>14 MR. SEMENZA: Okay. All right. Well, 15 find that out, and I will pose those scenarios to my 16 client and see what concerns or what their position 17 is on that one; okay?</p> <p>18 MR. CLOUGH: Okay. Thank you.</p> <p>19 MR. SEMENZA: Anything else on Hornbuckle?</p> <p>20 MR. CLOUGH: Not from me.</p> <p>21 MR. SEMENZA: Okay. And then was there 22 something that you wanted to discuss relating to the 23 Gaming Control Board subpoena?</p> <p>24 MR. CLOUGH: We kind of already put that 25 on the record.</p>	<p style="text-align: right;">28</p> <p>1 we're going to limit that subpoena to any 2 reprimands, terminations, things like that regarding 3 issues that are prevalent in this case, which would 4 be, you know, false imprisonment, things like that, 5 people being injured.</p> <p>6 MR. SEMENZA: Okay. No, and I appreciate 7 that.</p> <p>8 So, I mean, the short story is you guys 9 are not going to withdraw the subpoena to the Gaming 10 Control Board. There may be some limitations 11 relating to the employment files, but that is 12 obviously something we are going to have to have 13 motion practice on?</p> <p>14 MR. CLOUGH: Yeah.</p> <p>15 MR. SEMENZA: Okay.</p> <p>16 MR. CLOUGH: That is assuming that the 17 Nevada Gaming Control Board document we got -- we 18 received from the attorney general -- the Attorney 19 General's office, you're not going to allow us to 20 see any other part of that document other than the 21 part we've already seen.</p> <p>22 MR. SEMENZA: Yeah. And that's right. 23 Our position is you guys aren't entitled to anything 24 at all in addition to, obviously -- and I don't -- 25 it is what it is, but, I mean, the redacted report</p>
<p style="text-align: right;">27</p> <p>1 MR. SEMENZA: Okay.</p> <p>2 MR. CLOUGH: That was something that, you 3 know, I sent out the -- I sent out the subpoena to 4 the Gaming Control Board, mistakenly not putting 5 you, Mr. Semenza, or Ms. Cannata on that email. We 6 had the discussion with another attorney general 7 that was in charge of it. And during that, she 8 said, Hey, you need to serve MGM because they have 9 a -- for lack of a better term, dog in the fight. 10 And I was like, Oh, crap. You're right. We didn't.</p> <p>11 As I went back through all the emails, I 12 think it was the very next day, I sent it out to 13 you. We ceased all the communication with the AG's 14 office, didn't exchange any documents, didn't do 15 anything. I sent it over to you, and then, 16 obviously, we got into this meet and confer we're 17 on.</p> <p>18 MR. SEMENZA: Okay.</p> <p>19 MR. CLOUGH: But nothing has been 20 exchanged, nothing has been discussed, nothing has 21 been determined as to whether we're going to be 22 getting those things or not. I did have a 23 conversation with Mr. Nahabedian about the employee 24 files. I don't -- I do not believe we are going to 25 need the entirety of the employee files. I think</p>	<p style="text-align: right;">29</p> <p>1 that was produced, my position is it shouldn't have 2 ever been produced as part of the case anyway. But 3 that's water under the bridge. It is what it is.</p> <p>4 But, no, our position remains that the 5 Gaming Control Board report and -- you know, I have 6 less of an issue, on behalf of my client, relating 7 to the employment files. But I do think that at the 8 end of the day, those would arguably be privileged 9 as well. But, yes, we have and will maintain an 10 objection on that front.</p> <p>11 MR. CLOUGH: Okay.</p> <p>12 MR. SEMENZA: Okay. All right. So --</p> <p>13 MR. CLOUGH: Just since we're on the 14 record, I just want to put this on the record. This 15 is hearsay because it's information I got from 16 Mr. Nahabedian, but when he was discussing this case 17 with the prior AGs that were on this case, not the 18 people that are sitting here today, he was saying, 19 Hey, I need the names of the people that showed up 20 to MGM's property on that day. And that's what she 21 provided, was the complete redaction other than that 22 one sentence that had the names.</p> <p>23 MR. SEMENZA: I understand. Yeah, I mean, 24 before Mike and Nona got involved, there were 25 certain things that happened. And so I understand</p>

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<p>30</p> <p>1 that. It's neither here nor there at this point in 2 time, but, yes, I understand your position. 3 Okay. If we are not able to accommodate 4 this schedule that you sent over, practically 5 speaking, given that there are three weeks today to 6 complete discovery -- and this isn't "if," because I 7 need to go through and look. Here's, I guess, my 8 initial perspective if we are going to push out the 9 dates. I will potentially be gone, given my family 10 issue, for part of June. What that looks like, I 11 have no idea. And I don't know whether it will 12 require me to travel at all, depending on what 13 happens. 14 I do have a trip planned that I will be 15 out of the country from July 7th through August 4th. 16 And then I've got a son that is going to college in 17 August that I will need to be a participant in. So 18 in the context of all of that, there's going to be 19 the motion practice relating to probably the 20 30(b)(6) witnesses, the Gaming Control Board report. 21 If we're not able to agree on the Hornbuckle issue, 22 all of that is going to need to be briefed. 23 And given the caseload that the Federal 24 District Court has, I don't anticipate getting an 25 adjudication of those motions for a considerable</p>	<p>32</p> <p>1 MS. LAWRENCE: We -- 2 MR. CLOUGH: I have a thought and a 3 comment. If I may, Nona. 4 MS. LAWRENCE: Sorry. 5 MR. CLOUGH: That's okay. I haven't muted 6 myself the entire time until I -- unless I coughed. 7 So I figured I just -- I think L.J. and I are kind 8 of the stars of the show here. No disrespect, L.J. 9 I have no problem extending the deadline 10 for the close of discovery. My issue becomes what 11 are we extending? Is it just the close of discovery 12 so we can do these depositions? Or are we extending 13 rebuttal experts, you know, dispositive motion? I'm 14 assuming it's just, Hey, we need to get depositions 15 done and get this motion work done. That's the only 16 thing that we're extending discovery for? 17 MR. SEMENZA: Well, we would be extending 18 discovery to complete the fact witness depositions, 19 the 30(b)(6) depositions, the expert depositions, 20 and have a road map on the motion practice that we 21 are going to be obviously engaging in, which will 22 then, depending on the outcome of that motion 23 practice, dictate what additional discovery takes 24 place. 25 So if you guys end up getting the report,</p>
<p>31</p> <p>1 amount of time. Probably no earlier than the end of 2 summer. 3 So if the parties are willing to stipulate 4 to extend out the discovery, my preference would be 5 that we extend it out through the end of October, 6 which will then give us ample time, I believe, to 7 get the fact witnesses deposed, the motions done, 8 the 30(b)(6) depositions completed, depose experts. 9 And that still needs to be undertaken. I think 10 currently, the rebuttal expert disclosure is June 11 5th, which doesn't really give anyone an opportunity 12 to depose rebuttal experts. 13 So I would put forward that we stipulate 14 to extend out the discovery deadline until October 15 and the dates that follow. End of October, frankly. 16 And that's something, if everyone is amenable, that 17 we can work on a stip to do so. 18 If that's not something that we can agree 19 on today, I get it, since Mr. Nahabedian is not on 20 the call. Notwithstanding that sort of suggestion, 21 we'll go back and take a look as to, practically 22 speaking, whether any of these guys can get prepped 23 and deposed before July 5th as well. 24 So I throw that out there for any thoughts 25 or comments.</p>	<p>33</p> <p>1 then there may be discovery relating to that. If we 2 can't agree on the 30(b)(6) relating to the board, 3 or we are going to have to have the Hornbuckle 4 fight, then obviously if the Court says, Yes, you 5 get to depose him, then obviously we'll reserve our 6 rights relating to that. But that may obviously 7 lead to some additional discovery in that regard. 8 So I would propose moving all the dates 9 out. I mean, we're not going to reset -- the 10 initial expert disclosures have been set. I think 11 that from a timely standpoint, the rebuttals are 12 baked in. So everyone knows that we can get those 13 accomplished by June 5th. It would be for those 14 depositions primarily. But experts, from my 15 perspective, would essentially be closed subject, 16 obviously, to getting the rebuttals done on June 17 5th. 18 MR. CLOUGH: Yeah. I have no problem with 19 that. Obviously, it would -- any stipulation to 20 continue the close of discovery out until October 21 would be contingent upon any Court ruling. And as 22 you said, you know, if the Court said, Hey, you get 23 this report, I'm allowed to have this report, then I 24 may have some written discovery to do or maybe 25 another 30(b)(6) of an AG or you, I don't know, but</p>

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<p>34</p> <p>1 so long as the experts are done, we're not going 2 down that road again. And it's strictly depositions 3 and Court rulings that are going to dictate the 4 remainder of discovery. I have no problem with it. 5 MR. SEMENZA: Okay. Nona, did you want to 6 comment on all that? 7 MS. LAWRENCE: Yeah. I just wanted to 8 ask: Are you envisioning waiting to set the 9 depositions until after the Court rules on whatever 10 motions are presented or we're going to start 11 setting all those depositions while the motion 12 practice is going? 13 MR. CLOUGH: If I may? 14 MR. SEMENZA: Go ahead. 15 MR. CLOUGH: Fact witnesses, I don't think 16 it makes a difference. You know, they're fact 17 witnesses. They're -- whatever facts they're going 18 to -- doesn't really matter on what's being ruled 19 upon. It would be the Hornbuckle and the 30(b)(6) 20 depositions that might be affected by -- 21 MS. LAWRENCE: So we're going to start 22 setting -- 23 MR. CLOUGH: -- motion pleadings. 24 MS. LAWRENCE: Okay. 25 MR. CLOUGH: That would be my plan, unless</p>	<p>36</p> <p>1 this case. So I need to talk with them about that. 2 And I can't definitively say, as I sit here now, 3 especially given sort of that offer that was made, 4 but I presume if we were -- if your position was 5 we're going to have to have a fight about 6 Hornbuckle, then sort of all bets are off. 7 Obviously, given your position has changed 8 a little bit, that might soften my client's sort of 9 thoughts on where we kind of go. So I will get back 10 to you on that issue. 11 MR. CLOUGH: Thank you. 12 Mike, you're muted. What's up? 13 MR. SOMPS: Yeah. Hey, so going back a 14 little bit on the 30(b)(6) witnesses, I know that 15 L.J., or maybe it was Katie, sought to depose a 16 fourth 30(b)(6) witness. 17 How do you want to deal with that? Do you 18 want to proceed with that? 19 MR. SEMENZA: Our 30(b)(6) deposition of 20 your guys? 21 MS. LAWRENCE: Yeah. 22 MR. SEMENZA: If we don't have any 23 disagreements over the scope, those can be scheduled 24 within whatever time frame we want. If we're 25 extending everything out, there's no immediate</p>
<p>35</p> <p>1 someone has other thoughts. 2 MR. SEMENZA: No. I think that obviously, 3 subject to availability, let's get the fact 4 witnesses done in a timely fashion. I mean, this 5 stipulation is not going to impact -- whatever 6 motion practice there is, is not going to impact 7 that these individuals are going to be deposed other 8 than potentially whether you exceed the ten depo 9 threshold and those sorts of things. 10 And in light of your proffer of 11 withdrawing potentially the Hornbuckle subpoena, 12 then that may change our perspective on that. I 13 don't know as of yet. 14 But, yeah, that's kind of my perspective 15 on it. Let's get the fact witnesses done. 16 MR. CLOUGH: That brings up one more 17 question that you did already raise. I'm just not 18 sure if you definitively answered. If it's going to 19 be 11 depositions, are you going to make us file a 20 motion to do the one extra one? 21 MR. SEMENZA: I don't know as of yet, 22 depending on what happens. And I'm going to be very 23 candid with you on this. The attempts to subpoena 24 Mr. Hornbuckle have changed my client's perspective 25 about this case and our ability to work together on</p>	<p>37</p> <p>1 urgency. So I'd be comfortable taking that 2 deposition sooner or later or whatever the case may 3 be. I do anticipate we'll need someone. But as far 4 as whether it's three weeks from now, no, I don't 5 think so, if we're going to be agreeable to moving 6 everything out. 7 MS. LAWRENCE: Well, he's coming back 8 today from his vacation. He's prepped and ready to 9 go. So if you want to throw out a date, we can -- I 10 mean, that one might be the first. 11 MR. SEMENZA: Okay. If you guys want to 12 get that one knocked out, then, yeah, let's look at 13 our calendar on that too. 14 MR. SOMPS: Okay. And then as we 15 indicated, we wanted a 30(b)(6) from MGM for the 16 player tracking system. I just throw that out there 17 for discussion. Do we want to just hold off and see 18 how everything plays out or do we want to go ahead 19 and proceed with that deposition? 20 MR. SEMENZA: Yeah. Let's see how this 21 plays out, because, obviously, the fact witnesses 22 are going to need to go first. The 30(b)(6), 23 Stephen and I are going to have, obviously, to have 24 a conversation about the scope of those depositions. We 25 have objections relating to those. So once those</p>

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<p>38</p> <p>1 are kind of resolved or if we can sort of limit and 2 agree to certain topics on that one, then we can 3 move forward. But, I mean, I'm happy to work with 4 you, depending on how sort of Stephen's position 5 plays itself out. 6 MR. SOMPS: Right. 7 MR. CLOUGH: To be honest, L.J., I think 8 between the two of us, three if Katie's involved, 9 four or five if Michael and Nona are involved, 10 pretty sure we can get these topics ironed out. 11 MR. SEMENZA: Okay. All right. I 12 appreciate it. 13 So does anyone -- if this is kind of the 14 route we're going to go on, is everyone on board 15 with agreeing to extend the discovery through the 16 end of October with all the dates to follow as far 17 as the dispositive motion practices, which remains? 18 We'll keep the expert disclosure deadlines the same. 19 So rebuttals would be June 5th, and we will endeavor 20 to work on scheduling the fact witnesses promptly, 21 followed by the 30(b)(6)? 22 MR. CLOUGH: Yes, for Plaintiff. 23 MR. SEMENZA: Okay. 24 MR. SOMPS: For the agents, I think we're 25 agreeable to that.</p>	<p>40</p> <p>1 here's the big picture issue, and this applies, 2 frankly, to all of the topics that we've objected 3 to. Practically speaking, when you guys say all 4 information, all facts, all topics, I appreciate why 5 you did that, and it's certainly something that I've 6 utilized in my practice to make sure I don't miss 7 anything. But what I would practically really like 8 is some sort of just clear as you can get, a 9 narrowed statement, what specific information are 10 you guys looking for, for these individuals to 11 answer. Because I don't want to get into a 12 situation, and I can see this situation potentially 13 happening, where we've done the best we can, but 14 there's information that you guys want that we 15 didn't anticipate or specifics that we just don't 16 have the answer to. 17 So my general comment on that is if there 18 are things that you want, and my note to myself with 19 what specifically do you want in Topic 1? So if 20 there's an opportunity to kind of just tell me in 21 just plain statement, Okay, here's what we're 22 looking at, and here's what we want, I can work on 23 it. 24 MR. CLOUGH: I've had multiple 25 conversations about these topics outside of this</p>
<p>39</p> <p>1 MR. SEMENZA: Okay. All right. So we 2 will prepare a draft stipulation on that front and 3 get that circulated and over to you all. 4 Okay. So we're going to get back to you 5 on the fact witness dates and depositions. 6 Obviously, given our agreement to extend things out, 7 there's less urgency on that. But I'll see if any 8 of those dates, frankly, work for any of them, just 9 so we can get something accomplished. And then 10 we'll get back to you on that. 11 Do you want to walk through the 30(b)(6) 12 topics, Stephen, since we're here? 13 MR. CLOUGH: Yes. If we could, yeah. I 14 don't want to spend too much time on it. Obviously, 15 I think once we get through the first few, four or 16 five, we're going to have a pretty good handle on 17 what you're -- what we want and what you're 18 limiting, and we should be able to get through them, 19 so it shouldn't be that difficult. 20 MR. SEMENZA: All right. So let me start 21 by kind of walking through the topics, and then sort 22 of our objections, and let me -- give me a second 23 just to refresh on some of these topics. 24 So with regard to Topic 1 -- and I 25 understand Raffi responded to our objections --</p>	<p>41</p> <p>1 room, so to speak. It is -- No. 1 is basically 2 saying, Hey, if you have surveillance, you track 3 them -- it's kind of like what Michael was talking 4 about, the player tracking system. That's kind of 5 what this is going toward. You knew when he walked 6 in the door. You knew when he walked up to the 7 craps table. You knew when he went up to his room. 8 You knew all of that stuff. So we want to know the 9 information that you had in your possession about 10 his whereabouts, play, and time on the day of the 11 incident. 12 MR. SEMENZA: So -- okay. And I'm glad 13 we're having this discussion. Is there anything 14 that you believe -- I guess part of the problem is 15 my understanding of the surveillance department is 16 that the surveillance department is, in most 17 instances, which would include this instance, 18 reactive as opposed to proactive. So no one is 19 sitting there watching Mr. Padilla walk in the door 20 from, you know, his dinner date with his wife at 21 whatever hotel or restaurant. 22 And so I'm not understanding -- there's 23 not going to be any sort of information concerning 24 that. The -- other than we identified that there 25 was a pinch that -- and here's what we did in</p>

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<p style="text-align: right;">42</p> <p>1 response to that. We went back and looked at video. 2 So I -- again, I don't know that there's going to be 3 anything relating to that. 4 MR. CLOUGH: But that leads me into the 5 video that was provided. I'm assuming we all have 6 the same videos that MGM provided to everybody. We 7 discussed that multiple times. 8 MR. SEMENZA: Yeah. 9 MR. CLOUGH: But we've also discussed 10 that -- I believe it was Agent Adams at his 11 deposition said, Yeah, I went back up to the room. 12 We looked at some other video. We were able to zoom 13 in on the back of Mr. Padilla's jacket, which made 14 us realize we did not have the right guy. 15 MR. SEMENZA: Right. 16 MR. CLOUGH: I don't have that video that 17 Adam saw and zoomed in on his jacket. Hence the 18 reason for this question, you know, how is this 19 done? And I understand your statement meaning 20 they're reactive, but if there was a pinched bet and 21 the agents from the Nevada Gaming Control Board came 22 and watched video, that should have been video that 23 was kept. And we want to know on that day, 24 basically, why it wasn't kept. 25 But if you have information about where he</p>	<p style="text-align: right;">44</p> <p>1 the Gaming Control Board agents at that point in 2 time, and whether there was three incidents, 3 surveillance of Mr. Padilla while he was on 4 property. 5 Is that fair? 6 MR. CLOUGH: That is 100 percent fair. 7 MR. SEMENZA: All right. Thank you for 8 the clarification. I appreciate that. 9 MR. CLOUGH: You're welcome. 10 MR. SEMENZA: All right. Number 3 was any 11 and all of MGM's -- 12 MR. CLOUGH: Sorry, L.J. I never like to 13 interrupt, but I just want to make -- since we're 14 doing this, no objections to No. 2; correct? 15 MR. SEMENZA: I don't think we lodged any 16 objections to No. 2 at all. 17 MR. CLOUGH: Okay. All right. 18 MR. SEMENZA: If we're not talking about 19 it, then we didn't lodge an objection, and I'm not 20 retroactively going to turn around and say -- well, 21 you know. 22 MR. CLOUGH: Thank you. 23 MR. SEMENZA: Yes, we're going to 3. 24 MR. CLOUGH: Three. 25 MR. SEMENZA: All right. So my issue with</p>
<p style="text-align: right;">43</p> <p>1 was, what he was doing -- I mean, you were able to 2 find out he was a guest in the hotel and what room 3 he was in. He went up to his room. That's the kind 4 of information we're looking for, No. 1. 5 MR. SEMENZA: Okay. 6 MR. CLOUGH: I agree with you, yeah, maybe 7 there isn't any. 8 MR. SEMENZA: Okay. 9 MR. CLOUGH: Also, some missing video that 10 we don't have. 11 MR. SEMENZA: Well, that -- yeah, and I 12 understand that -- that allegation relating to 13 missing video. And without digressing too far into 14 the whole thing, I mean, part of it is the illegal 15 conduct, the pinch that was undertaken by a third 16 party, and not Mr. Padilla. And so whether they 17 decided to keep video of the third party pinching 18 the bet is one issue. 19 The second issue is that Mr. Padilla, I 20 believe, identified he didn't want to file a claim, 21 which may have obviously impacted any decisions on 22 that front related to keeping video. But, again, I 23 don't want to get into that now. 24 I think I understand your point. Your 25 point is video preservation, what was looked at by</p>	<p style="text-align: right;">45</p> <p>1 3 is it references alleged thefts. 2 MR. CLOUGH: I don't understand why that 3 is an issue. If we just said "thefts," would that 4 be okay? 5 MR. SEMENZA: No. And here's why. What 6 are you referring to by "thefts"? Are you referring 7 to gaming crimes -- 8 MR. CLOUGH: Okay. 9 MR. SEMENZA: -- or are you -- 10 MR. CLOUGH: Yes, gaming crimes. And 11 thank you. This might help out a lot because we 12 don't know your terminology. So, yes, what we're 13 looking at is, in this particular one, what you've 14 been calling "pinching a bet." We're not -- 15 MR. SEMENZA: And then -- 16 MR. CLOUGH: We're not looking for someone 17 who stole something out of the gift shop. 18 MR. SEMENZA: Okay. All right. I 19 appreciate that. 20 And then timing, is there a time frame by 21 which you're looking at this information? 22 MR. CLOUGH: Well, it's the policies and 23 procedures, so it would be the policies and 24 procedures that were in effect on, what is it, 25 December 26, 2020.</p>

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<p>46</p> <p>1 MR. SEMENZA: Okay. All right.</p> <p>2 MR. CLOUGH: I don't care about the ones</p> <p>3 before. I don't care about the edits you made</p> <p>4 after.</p> <p>5 MR. SEMENZA: Okay. All right. I think</p> <p>6 that answers my question relating to 4. That</p> <p>7 narrows the scope. That's helpful.</p> <p>8 MR. CLOUGH: That was 3.</p> <p>9 MR. SEMENZA: I'm sorry, 3. Yeah, my</p> <p>10 apologies.</p> <p>11 MR. CLOUGH: That's okay.</p> <p>12 MR. SEMENZA: All right. Let's move on to</p> <p>13 No. 4.</p> <p>14 MR. CLOUGH: Same thing. I believe your</p> <p>15 same objections are going to apply to the alleged</p> <p>16 thefts, which are pinching bets, gaming crimes. And</p> <p>17 this kind of gets into what you were saying earlier</p> <p>18 about, Hey, we didn't preserve the video of the back</p> <p>19 of Mr. Padilla's jacket, for lack of a better way of</p> <p>20 going through that entire dissertation, because he</p> <p>21 said he wasn't going to -- but that's what this is</p> <p>22 looking for.</p> <p>23 MR. SEMENZA: Okay. Okay.</p> <p>24 MR. CLOUGH: What's your mindset when you</p> <p>25 save video?</p>	<p>48</p> <p>1 MR. CLOUGH: So, no, I do not -- we do not</p> <p>2 deny that a theft occurred and that you were</p> <p>3 required to call Nevada Gaming Control Board.</p> <p>4 MR. SEMENZA: Okay. All right. So in the</p> <p>5 context of that issue -- in the context of a gaming</p> <p>6 theft occurred and we had to report, what are the</p> <p>7 policies and procedures relating to accomplishing</p> <p>8 that?</p> <p>9 MR. CLOUGH: Correct.</p> <p>10 MR. SEMENZA: Okay. At the time that this</p> <p>11 event took place?</p> <p>12 MR. CLOUGH: December 20th, 2020.</p> <p>13 MR. SEMENZA: Okay. Katie, if you have</p> <p>14 any thoughts or comments as I walk through these, if</p> <p>15 I'm missing anything, just please jump in.</p> <p>16 Okay. Let's move on to Topic 6.</p> <p>17 MR. CLOUGH: This gets more into the</p> <p>18 security side of what we've just been talking about.</p> <p>19 After all the investigating -- policies and</p> <p>20 procedures about investigating and apprehension.</p> <p>21 So we kind of go from surveillance in, I</p> <p>22 think it was 4 and 5 topics, kind of into security.</p> <p>23 When surveillance does something, they pass it on to</p> <p>24 security, I would assume. And what does security</p> <p>25 do?</p>
<p>47</p> <p>1 MR. SEMENZA: Got it.</p> <p>2 Well -- and this narrows the scope</p> <p>3 considerably because we're, one, talking about</p> <p>4 gaming crimes and whether there are policies and</p> <p>5 procedures relating to specifically saving video for</p> <p>6 gaming crimes. Okay.</p> <p>7 MR. CLOUGH: Yes.</p> <p>8 MR. SEMENZA: And the policies and</p> <p>9 procedures that were in place at the time of this</p> <p>10 incident.</p> <p>11 MR. CLOUGH: Correct.</p> <p>12 MR. SEMENZA: Okay. All right. Moving on</p> <p>13 to No. 5. Here's the issue I have on this. Raffi</p> <p>14 and I went back and forth on this. I thought this</p> <p>15 was going to be an easy issue, but it's not.</p> <p>16 Is there a legitimate dispute that there</p> <p>17 was a gaming theft relating to the pinched bet? And</p> <p>18 is there a legitimate dispute that we had to notify</p> <p>19 Gaming Control Board or the Gaming Control Board of</p> <p>20 the alleged theft? I think if --</p> <p>21 MR. CLOUGH: That's statutory.</p> <p>22 MR. SEMENZA: Yeah.</p> <p>23 MR. CLOUGH: The second part is statutory.</p> <p>24 If a pinch happened, you have to report it.</p> <p>25 MR. SEMENZA: Right.</p>	<p>49</p> <p>1 MR. SEMENZA: Okay. So part of what you</p> <p>2 want is the relationship between surveillance and</p> <p>3 security as far as those policies and procedures are</p> <p>4 concerned, and factually what happens with the</p> <p>5 handoff, essentially?</p> <p>6 MR. CLOUGH: With the handoff, correct.</p> <p>7 MR. SEMENZA: Okay.</p> <p>8 MR. CLOUGH: And what determines whether</p> <p>9 we're going to put them in a holding cell or we're</p> <p>10 just going to, you know -- where are we taking them?</p> <p>11 Are we just going to let him sit in his room until</p> <p>12 we finish our investigation? You know, little</p> <p>13 things like that.</p> <p>14 MR. SEMENZA: Okay.</p> <p>15 MR. CLOUGH: I don't want to limit it</p> <p>16 strictly to...</p> <p>17 MR. SEMENZA: Understood. Okay. All</p> <p>18 right. I think that clarifies that one.</p> <p>19 Topic No. 7, I think we would, one --</p> <p>20 yeah, this is going to be objectionable. We're not</p> <p>21 going to -- we're not going to produce a witness</p> <p>22 absent a Court order on this one.</p> <p>23 MR. CLOUGH: Well, I'm not going to</p> <p>24 withdraw it.</p> <p>25 MR. SEMENZA: Yep.</p>

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<p>50</p> <p>1 MR. CLOUGH: Just to be clear, five years 2 of, Have you ever been, you know -- had a legal 3 action against you or administrative action against 4 you, for lack of a better term, arresting the wrong 5 guy?</p> <p>6 MR. SEMENZA: So let me -- and just to 7 kind of give you a little bit of context on that, 8 this one is so broad. This isn't limited to 9 mistaken identity issues. And I'm not saying I 10 could agree, even if it was limited to mistaken 11 identity issues, but I think the time frame is way 12 too long. I think lawsuits, legal actions, or 13 administrative proceedings is way too broad because 14 there's been no determination of any liability on 15 that front.</p> <p>16 And, again, I can't make the 17 representation that the limitations that we're 18 discussing, or potential limitations, would be 19 necessarily agreeable, but I've got, obviously, to 20 talk to the client about it.</p> <p>21 But the administrative proceedings would 22 be privileged. Any liability has not been 23 established by virtue -- go ahead.</p> <p>24 MR. CLOUGH: Let me just -- administrative 25 proceedings, I understand, after all the discussions</p>	<p>52</p> <p>1 do believe that the Discovery Commissioner in State 2 courts has many times given five years.</p> <p>3 But what other time frame are you 4 suggesting that might be --</p> <p>5 MR. SEMENZA: I don't have a specific 6 objection -- suggestion, rather, but, I mean, it 7 would be probably three or two, is what I would look 8 at.</p> <p>9 MR. CLOUGH: I can probably agree to 10 three.</p> <p>11 MR. SEMENZA: Okay. Let me get back to 12 you on that then. Maybe we can nip that one in the 13 bud.</p> <p>14 Anything else on Topic 7?</p> <p>15 MR. CLOUGH: I don't believe so.</p> <p>16 MR. SEMENZA: Okay. Topic 10, we'd object 17 to because this relates to the premises liability 18 issue. I think the Court's concluded that this 19 isn't a premises liability case. So in that 20 context, one, we'd object. And second, I don't 21 understand it.</p> <p>22 MR. CLOUGH: I guess this kind of goes to 23 more, like, a hotel concierge kind of person. Do 24 you have policies and procedures for NOIR players 25 that are in effect that they get, you know -- I</p>
<p>51</p> <p>1 that we've had over the confidentiality issues with 2 those kinds of investigations between you and the 3 Nevada Gaming Control Board, I understand 4 administrative proceedings. So let's just stick 5 with previous lawsuits, legal actions, and claims.</p> <p>6 MR. SEMENZA: Okay. So even that, I 7 mean -- and, again, I appreciate the limitation, but 8 lawsuits and legal actions have no bearing on the 9 dispute in the sense that there's been no legal 10 determination of liability. So I think that's 11 overbroad. I think the time frame is way overbroad. 12 I think, obviously, there's no description of what 13 the term "theft" means, although I'm assuming it 14 relates to a gaming theft.</p> <p>15 If this topic was limited to were there 16 other instances of mistaken identity involving a 17 gaming theft on the property where an individual was 18 detained, and the time frame by which you're looking 19 for is limited, then I think that I can certainly 20 talk to the client about whether we can get over or 21 through this. But as it stands right now, the topic 22 is way, way too broad, and we'd object to that.</p> <p>23 MR. CLOUGH: Other than the time frame, I 24 agree with you. Mistaken identity, being detained, 25 gaming theft, I 100 percent agree with all that. I</p>	<p>53</p> <p>1 could tell you this one has been discussed a couple 2 of times between Raffi and I, and we have come -- 3 because he was a NOIR player, we want to know if 4 there's policies and procedures that mean he gets 5 treated differently than others.</p> <p>6 I guess the health, safety, and welfare 7 and well-being of guests and invitees might have 8 kind of overbroadened that more than we were 9 shooting for. But policies and procedures regarding 10 how you treat NOIR players.</p> <p>11 MR. SEMENZA: Okay.</p> <p>12 MR. CLOUGH: Because at the time, I 13 believe he was a NOIR player.</p> <p>14 MR. SEMENZA: Okay. That is something I 15 can work with probably on that front.</p> <p>16 MR. CLOUGH: Okay.</p> <p>17 MR. SEMENZA: As far as, as a NOIR player, 18 are there any special benefits or treatments that 19 Mr. Padilla would otherwise receive that other 20 patrons of the hotel would not necessarily enjoy? 21 Now, that's vague in that sense, but if it's 22 tailored to, We don't put NOIR players in holding 23 rooms, is that -- I mean, that's kind of ridiculous, 24 but is --</p> <p>25 MR. CLOUGH: But, yes, that's what we're</p>

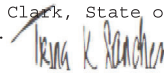
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<p>54</p> <p>1 looking for. We don't put NOIR players in a room 2 next to the elevator by the pool. We put them in a 3 suite on the 27th floor. They get free meals, they 4 get free rooms, depending on how much they gamble. 5 That's why I'm saying it's more like the post kind 6 of policies and procedures regarding NOIR players. 7 MR. SEMENZA: Okay. Let me see what I can 8 do on that front. 9 MR. CLOUGH: I guess perks of NOIR 10 players, to put it in four words. 11 MR. SEMENZA: Okay. All right. Let me 12 talk to the client about that one. 13 Topic No. 12, employment files of security 14 personnel who were in the security video office at 15 the time of the subject incident. 16 So there's a distinction -- and this is 17 rather immaterial, but there's a distinction between 18 security and surveillance. I'm assuming you're 19 referencing surveillance and not security in this 20 particular one. And as -- 21 MR. CLOUGH: True. 22 MR. SEMENZA: As far as the employment 23 files, are you looking at discipline? Is that what 24 you want to know? 25 MR. CLOUGH: Yes.</p>	<p>56</p> <p>1 would encompass sort of do we track players before 2 incidents take place or before issues take place, 3 generally speaking. And then I'm assuming you want 4 to understand how Mr. Padilla was tracked going 5 backwards, so when did they start looking at him, 6 when did they stop looking at him, that kind of 7 stuff. Okay. 8 MR. CLOUGH: Yes, sir. 9 MR. SEMENZA: All right. That's helpful. 10 Is there anything that you can narrow down 11 for me about what you're looking at in Topic 14? 12 And maybe there's not. 13 MR. CLOUGH: Well, yes, maybe. Somewhere 14 along the line -- and this is going to be a 15 commentary and then question, and then this is what 16 I'm looking for. So bear with me for one second. 17 I think you said -- I think you called it 18 "pinched a bet." Let's stick with pinched a bet. 19 Someone pinched a bet. Someone up in surveillance, 20 an hour later, 45 minutes later, whatever it was, 21 reacted and, Oh, look, a bet was pinched. 22 I'm summarizing this, so don't take it as 23 being the factual scenario we have here. Someone in 24 the surveillance office called somebody in security, 25 security calls the floor supervisor, they ask who</p>
<p>55</p> <p>1 MR. SEMENZA: Okay. Or anything else that 2 would, I guess, reflect upon -- 3 MR. CLOUGH: Their ability to do their 4 job, correct. 5 MR. SEMENZA: All right. Let me see what 6 I can do on that one. 7 Okay. Topic 13. 8 MR. CLOUGH: Just to start this one off, 9 this one confuses me as well. 10 MR. SEMENZA: Okay. 11 MR. CLOUGH: Because I believe this is -- 12 it's assumed by one of the ones up above, where 13 we're talking about, Hey, how do you find these 14 people? How do you track them down? How do you 15 pick them? 16 But I think this might go just a little 17 step further than we actually added into the one 18 above, which is: You tracked this guy. I think 19 that's what this is going for. But I think we added 20 it into the one above for tracking purposes. Like, 21 Hey, someone pinched. Let's figure out who this is. 22 Let's find the video of the guy, that kind of thing. 23 MR. SEMENZA: Okay. So this would 24 encompass -- obviously, there's some duplication 25 with the one that we talked about before, but this</p>	<p>57</p> <p>1 that person was there. And, Hey, it's Shawn 2 Padilla. Yeah, he's up in Room, you know, 1042. 3 Let's go up there and bring him down in the 4 detention center and call the Nevada Gaming Control 5 Board. 6 What do you do from that point forward? 7 That's the investigation conducted after the theft 8 and detention. 9 MR. SEMENZA: Okay. Would that include 10 the actual person that pinched the bet or the 11 investigation relating to the mistaken identity of 12 Mr. Padilla? 13 MR. CLOUGH: Both. 14 MR. SEMENZA: Okay. All right. 15 MR. CLOUGH: All right. 16 MR. SEMENZA: Okay. Recordkeeping 17 policies for security footage. I get it. 18 Is there anything specific that you 19 believe is important on this one that is otherwise 20 not described in the seven or eight words? 21 MR. CLOUGH: No. I think we've covered it 22 up above on a lot of these. What do you keep and 23 why? 24 MR. SEMENZA: Okay. 25 MR. CLOUGH: And 16 is just, you know,</p>

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<p>58</p> <p>1 Hey, someone watched the entirety of the videos that 2 we have and can comment on it. 3 MR. SEMENZA: Right. Yeah, we didn't have 4 an issue with 16 at all. 5 MR. CLOUGH: Yeah. 6 MR. SEMENZA: Okay. And then the last 7 ones were 8 and 11. 8 MR. CLOUGH: Eight and 11? 9 MR. SEMENZA: Yeah. 10 MR. CLOUGH: This is a summary of three 11 other ones we had. 12 MR. SEMENZA: Okay. 13 MR. CLOUGH: It's -- but this is asking 14 specifically for the interaction between the floor 15 security and surveillance. 16 MR. SEMENZA: Okay. 17 MR. CLOUGH: So it's taking three other 18 ones and going, Okay, what is the policy and 19 procedure for security handing an officer -- or 20 surveillance handing it off to security, security 21 handing it off to the floor? What information is 22 gathered? What are the policies and procedures 23 doing for that interaction between those three or 24 four divisions? 25 MR. SEMENZA: Okay. Okay. I think this</p>	<p>60</p> <p>1 exists. 2 MR. CLOUGH: Okay. 3 MR. SEMENZA: And, obviously, I'm not 4 challenging -- I don't know whether -- you know, 5 Mr. Adams' credibility on that issue or not, but 6 whatever. I think you have everything, and I'll 7 confirm that with Katie again. But if it exists, 8 you have it. If it doesn't, obviously -- 9 MR. CLOUGH: It doesn't. 10 MR. SEMENZA: -- you don't. Got it. 11 MR. CLOUGH: Thanks, L.J. 12 MR. SEMENZA: All right. Thank you, all. 13 I appreciate your time. Thanks, Mike, for -- 14 MR. SOMPS: Thank you. 15 MR. SEMENZA: -- sitting in. Nona 16 obviously got bored, but -- 17 MR. SOMPS: She had another commitment. 18 MR. SEMENZA: I'm joking. Yeah, I'm sure 19 she did. All right. Thanks, guys. We'll be in 20 touch soon. 21 MADAM REPORTER: Would any party like a 22 copy of this proceeding? 23 MR. SOMPS: I do not. 24 MR. CLOUGH: I do. 25 (Whereupon, the proceeding concluded at 10:20 a.m.)</p>
<p>59</p> <p>1 has been incredibly helpful. So what we will do is 2 Katie and I are going to walk through these, and 3 then we'll notify the client and see -- and confirm 4 what we can agree to, what we still think is 5 overbroad. And then we'll respond to you in writing 6 relating to that and go from there. 7 MR. CLOUGH: I think that sounds great. 8 MR. SEMENZA: Okay. All right. Anything 9 else from anyone? 10 MR. CLOUGH: One quick thing. I just 11 want -- we touched on it. I just needed a 12 definitive answer. If you can't get it, L.J., fine. 13 If you can, great. 14 The video that Adam's testified to seeing, 15 the back -- having to zoom in on the back of 16 Mr. Padilla's jacket and seeing the design, you do 17 not have that, that has been destroyed, for lack of 18 a better term? I'm not saying it was in any ill 19 intent for that. 20 MR. SEMENZA: We've gone around on this 21 internally a couple of different times, and we have 22 produced everything that I understand MGM has 23 relating to the video surveillance. And so in that 24 setting, if we -- if you don't have it, and we don't 25 have it, then either it didn't exist or it no longer</p>	<p>61</p> <p>1 REPORTER'S CERTIFICATE 2 STATE OF NEVADA) 3) ss 4 COUNTY OF CLARK) 5 I, Trina K. Sanchez, a duly certified 6 court reporter licensed in and for the State of 7 Nevada, do hereby certify: 8 That I reported the taking of the Meet and 9 Confer at the time and place aforesaid; 10 That I thereafter transcribed my shorthand 11 notes into typewriting and that the typewritten 12 transcript of said Meet and Confer is a complete, 13 true, and accurate record of testimony provided at 14 said time to the best of my ability. 15 I further certify (1) that I am not a 16 relative, employee, or independent contractor of 17 counsel or of any of the parties; nor a relative, 18 employee, or independent contractor of the parties 19 involved in said action; nor a person financially 20 interested in the action; nor do I have any other 21 relationship with any of the parties or with counsel 22 of any of the parties involved in the action that 23 may reasonably cause my impartiality to be 24 questioned. 25 IN WITNESS WHEREOF, I have hereunto set my hand in the County of Clark, State of Nevada, this 16th day of May, 2025.  TRINA K. SANCHEZ, RPR, CCR NO. 933</p>

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